

- 1           A     Philip A. Crouch, assistant secretary.
- 2           Q     And what is the second person identified as an
- 3 officer of Trinity Broadcasting of Arizona?
- 4           A     Philip A. Crouch, vice president, assistant
- 5 secretary, and director.
- 6           Q     And, Your Honor, if I could be permitted a leading
- 7 question to save some time. I am correct, am I not, that in
- 8 fact Philip Crouch is identified as an assistant secretary in
- 9 this document for Trinity Broadcasting of Florida; Trinity
- 10 Broadcasting of Oklahoma, Inc.; Trinity Broadcasting of
- 11 Indiana; we then come to Translator Television; Trinity
- 12 Broadcasting of Denver; Trinity Broadcasting of New York;
- 13 Trinity Broadcasting of Washington. I'm, I'm correct that all
- 14 those disclosures are made in that document?
- 15          A     Yes, sir.
- 16          Q     Now, Mr. May, on page two, is that your name and
- 17 signature on the transmittal letter of that document to the
- 18 FCC?
- 19          A     Yes, sir. It is.
- 20          Q     At the time, to what extent did you believe there
- 21 was anything proper about Translator Television, Inc. having
- 22 officers who were common officers with the Trinity
- 23 Broadcasting Network companies?
- 24          A     I believed it was proper.
- 25          Q     Did you, did you advise Translator Television, Inc.,

1 or TBN, or any of it, of their principles, that there was  
2 anything improper about there being common officers?

3 A No, sir.

4 Q Did you intend to conceal from the Federal  
5 Communications Commission that Translator Television, Inc. had  
6 common officers with these Trinity companies?

7 A No, sir.

8 JUDGE CHACHKIN: I know you said you didn't want to  
9 ask direct questions. The last three of them are certainly  
10 good examples of what one would call leading questions.

11 MR. COHEN: Yes, I, I just didn't want to object  
12 because I want to move this along, but they've been  
13 egregiously leading, Your Honor, and I, I was about to, but --

14 MR. TOPEL: Okay. Point's well taken.

15 BY MR. TOPEL:

16 Q What, if anything, did you advise or suggest to  
17 Translator Television or TBN concerning the disclosure or  
18 withholding of the common officers from the FCC?

19 A That, of course, it must be disclosed and that, of  
20 course, nothing should be withheld.

21 Q Now turning, turning to page nine of Tab R, you see  
22 a -- we'll see a reference to Mrs. Jane Duff as a principle of  
23 Trinity Broadcasting of Ciskei and Trinity Broadcasting of  
24 Nevis. My question, sir, is did the FCC rules require the  
25 disclosure of interests in foreign corporations that are not

1 regulated by the FCC?

2 A No, sir, it does not.

3 Q To what extent then were you, as counsel, or  
4 Trinity, as the filer of this report, required to report to  
5 the FCC these associations between Mrs. Duff and Dr. Crouch  
6 and the Trinity organization?

7 A Well, sir, there was no obligation to do so, but we  
8 did file this information with the Commission.

9 Q Turning, if you would, Mr. May, to page 11 of Tab R  
10 of TBF Exhibit 101, this is an ownership report that Trinity  
11 Broadcasting Network filed on March 27, 1986. And if you  
12 would turn to page 16, can you tell me who is the fourth name  
13 reported -- the fourth name and, and the office reported under  
14 Translator Television, Inc.?

15 A Philip A. Crouch, assistant secretary.

16 Q And I'm not going to go through this with every  
17 document, and, and this will be much more abbreviated. But  
18 I'm correct, if you look at page, page 14 of Tab R -- well,  
19 let, let me do this just one other time. Mr. May, would you  
20 just read into the record, in connection with this report, the  
21 other corporations?

22 MR. COHEN: Your Honor, I have a problem with this  
23 procedure. This document, this document is in evidence and I  
24 see --

25 JUDGE CHACHKIN: Speaks for itself.

1 MR. COHEN: And it speaks -- I see no purpose in  
2 Mr. May reading into the --

3 JUDGE CHACHKIN: Well, I, I could understand -- I, I  
4 gather the purpose of reading into the record about Philip A.  
5 Crouch is because applications did not list him as assistant  
6 secretary, and this is to show that there was no attempt here  
7 to do this deliberately, it was inadvertent. So I assume  
8 that's the purpose.

9 MR. TOPEL: Yes.

10 MR. COHEN: I have no problem with that line of  
11 questioning, if it's done in a proper fashion. But to have  
12 him read into the -- to have Mr. May read into the record  
13 what's in the record seems to me to be just -- serve no useful  
14 purpose.

15 JUDGE CHACHKIN: Well, why, why -- if that's the  
16 purpose, why just -- can't you ask him a general question  
17 isn't it true that --

18 MR. TOPEL: I'm, I'm not allowed to.

19 JUDGE CHACHKIN: -- the Board of Directors, there's  
20 a listing of Crouch, you know, assistant secretary of  
21 Translator TV, or, or something like that.

22 MR. TOPEL: Okay.

23 MR. COHEN: If, if this is all that Mr. -- if this,  
24 if this is all that Mr. Topel wants to do, then I won't have  
25 any problem. But if he has a lot more of this, then I do

1 object.

2 JUDGE CHACHKIN: Well, we'll see where his next  
3 question leads.

4 MR. COHEN: Well, he said he had one more, I thought  
5 he said.

6 JUDGE CHACHKIN: What do you want him to read into  
7 the record?

8 MR. TOPEL: Your Honor, the doc-- the document will  
9 speak for itself. It, it, it will clearly indicate that  
10 Philip Crouch and other documents will indicate that other  
11 officers were reported various times to the Commissions in  
12 various documents. I, I may go through some of this to get  
13 time reference, because this is prior to anything that was  
14 filed in Odessa, which is understandable a concern in the  
15 case, and that's why I wanted to make clear that these were  
16 filed, this is '85, '86 time frame. Mr. May, the, the  
17 questions I asked you about your belief or understanding of  
18 the propriety or what you advised your client, would, would  
19 your answers to those questions be consistent from the period  
20 from 1985 in connection with all of the ownership reports and  
21 documents that were filed with the Commission?

22 MR. MAY: Yes, sir.

23 JUDGE CHACHKIN: You mean that, well, what is it  
24 that -- had you submitted the names of -- well, they say what  
25 they say. You mean that he indicated who were the officers

1 directly?

2 MR. TOPEL: No. Well, Your Honor, I, I asked him  
3 if, if he inte-- if he thought it was improper for there to be  
4 common officers, if he intended to conceal from the  
5 Commission, and what he advised his client about the matter.  
6 And rath--

7 JUDGE CHACHKIN: But, it's, it's also true, is it  
8 not, that at the time you filed these ownership reports, there  
9 was no problem at that time concerning TBN being in violation  
10 of multiple ownership rules, since it wasn't until June, 1987,  
11 that it had 12 stations.

12 MR. TOPEL: Correct, Your Honor. This is, this is  
13 my time line. And, and that's, that's correct.

14 JUDGE CHACHKIN: I understand that. So your point  
15 is that the Commission somehow had a responsibility to go back  
16 over prior filed ownership reports?

17 MR. TOPEL: No, Your Honor.

18 JUDGE CHACHKIN: I mean the question is why wasn't  
19 disclosure made at the time of the Odessa application --

20 MR. TOPEL: Well, that, that's not --

21 JUDGE CHACHKIN: -- when the Commission had it  
22 before it.

23 MR. TOPEL: That, that's on my list.

24 JUDGE CHACHKIN: Well, we've examined the Odessa  
25 application. There's no disclosure in the application itself.

1 MR. TOPEL: Understood. And I understand --

2 JUDGE CHACHKIN: All right.

3 MR. TOPEL: -- that question has to be asked. And,  
4 and, Mr. May, turning to page 19 of Tab R, the references to  
5 Mrs. Duff as a principle of Trinity of Ciskei and Trinity of  
6 Nevis, in connection with this ownership report, would your  
7 answers to my questions be any different?

8 MR. MAY: No, sir.

9 (Off the record. Back on the record.)

10 MR. TOPEL: Your, Your Honor, to -- I am going to  
11 shortcut, but just to keep the, the time line in chronology,  
12 I'd just like to flip through what's in here verbally until it  
13 wrap-- but I won't ask questions about, about all of those.

14 JUDGE CHACHKIN: Go ahead. I don't mind.

15 MR. TOPEL: Okay.

16 JUDGE CHACHKIN: --

17 MR. TOPEL: The record will reflect that similar  
18 report was made to the Commission on March 27, 1986,  
19 concerning Trinity's Greensboro station, and --

20 MR. COHEN: Your Honor, I would object to this. And  
21 the reason I object to this is I don't see any purpose served.  
22 It's in the record, Mr. Topel can refer to it --

23 JUDGE CHACHKIN: That's right. You, you can argue  
24 about it then, Mr. Cohen.

25 MR. COHEN: -- proposed findings, so I see no

1 purpose -- if he's not going to ask the witness a question, I  
2 see no purpose in reading into the record what's already in  
3 the record.

4 JUDGE CHACHKIN: Well, I, I agree with it. There's  
5 no purpose in just highlighting the record. We all have the  
6 record and you can make your argument. Unless you have a  
7 question to the witness about something --

8 MR. TOPEL: Okay.

9 JUDGE CHACHKIN: -- about the circumstances  
10 surrounding material, there's no purpose of this.

11 MR. TOPEL: Okay.

12 MR. COHEN: We don't have a jury here, Your Honor,  
13 to impress.

14 MR. TOPEL: Okay. Mr. May, I would like you to turn  
15 to page 39 of Tab R.

16 MR. MAY: Yes, sir. I have it.

17 MR. TOPEL: And this is a consolidated ownership  
18 report filed with the FCC for Trinity stations and for NMTV's  
19 KMLM TV in Odessa. And we have seen documents that you sent  
20 to Mrs. Duff combining business matters for, for some of these  
21 stations. And this is one that was sent to the FCC. And I  
22 want to ask you about that in a, in a second. But the, the  
23 rec-- the record will reflect that this document was filed  
24 within -- well, let me get some pertinent dates into the  
25 record, if I can find them. Of course, I can't. Well, Your



1 Honor, just for frame of reference, the record will reflect  
2 the Odessa application was filed February 3rd, 1987; was  
3 granted June 9th, 1987; the Portland --

4 JUDGE CHACHKIN: Can we also put in the record that  
5 -- oh, go ahead, can we also put in the record that there  
6 wasn't any petition to deny filed by anybody to the Odessa  
7 grant.

8 MR. TOPEL: I'll stipulate to that.

9 JUDGE CHACHKIN: Well, I, I think it's significant,  
10 because the Commission usually acts when someone who is from  
11 the public files a petition to deny before it investigates the  
12 facts. It doesn't uni-- normally, on its own, conduct its own  
13 investigation unless there's some reason to do so.

14 MR. TOPEL: I understand, Your Honor.

15 JUDGE CHACHKIN: So I think that the fact that there  
16 wasn't a petition to deny has a bearing on, on it. Go ahead  
17 with your case.

18 MR. TOPEL: The Portland application was filed  
19 December 18, 1987, and was pending and not granted until  
20 October 27, 1988.

21 JUDGE CHACHKIN: And could we also again stipulate  
22 that no outside party filed a petition to deny that  
23 application?

24 MR. TOPEL: That's correct, Your Honor.

25 JUDGE CHACHKIN: All right.

1           MR. TOPEL: Okay. Mr. May, the record will reflect  
2 that the document at Tab R, page 39, was the ini-- constitutes  
3 the initial ownership report for KMLM filed 15 days after the  
4 Commission granted that application, and I would like to ask  
5 you, if you would, to turn to page 56, and on that page you  
6 see there is a, an entry for the officers and directors of  
7 National Minority TV, and can you tell me whose names appear  
8 in the third and fourth columns, and what offices are there?

9           MR. MAY: Terrence M. Hickey, assistant secretary,  
10 and Philip A. Crouch, assistant secretary.

11           MR. TOPEL: And the document will reflect that the  
12 association of Messrs Hickey and, and Philip Crouch with the  
13 other Trinity companies were reported to the Commission at the  
14 same time, in the same document. And my question to you,  
15 Mr. May, was were you attempting to conceal from the FCC --  
16 strike that. What was your position at the time, concerning  
17 the disclosure to the FCC of common officer -- of the fact  
18 that NMTV had common officers with Trinity organizations?

19           MR. MAY: To make the disclosure and to include the  
20 information in this form.

21           JUDGE CHACHKIN: And only in the ownership report?  
22 Not in the -- your actual applications for a 13th station.

23           MR. MAY: In the Ode--

24           JUDGE CHACHKIN: Pardon me?

25           MR. MAY: In the Odessa application, that I did not

1 record it, Your Honor, and that same mistake was repeated in  
2 the Portland application, yes, sir.

3 JUDGE CHACHKIN: And so you're -- the assumption of  
4 your question is somehow the Commission, on its own, should  
5 have gone through all the ownership reports and act -- pass  
6 through a file when no opposition was filed and somehow make  
7 its own determination. Is that --

8 MR. TOPEL: No, no, Your Honor. No, my, my --

9 JUDGE CHACHKIN: Well, I don't understand what the  
10 point of this is.

11 MR. TOPEL: My, my argument is going to be that with  
12 the volume of disclosure that, that was made, it, it, it would  
13 be erroneous to conclude that there was an intent to hide  
14 information from the Commission.

15 BY MR. TOPEL:

16 Q We, the -- Mr. May, let -- why don't we get, get to  
17 this, especially since we're in the time frame. Why were the  
18 assistance office -- the assistant secretaries left out of the  
19 Odessa application? How did that happen?

20 A It, it was a mistake in my office in the preparation  
21 of that assignment application, both in Odessa and then  
22 subsequently in Portland. I had -- in preparing the  
23 application, I went and looked at the files that I had for  
24 Television Translator, and I just simply did not pick up the  
25 information and, and thereby put it in the assignment

1 application. Simply my mistake.

2 Q Now the reports that we've been looking at were  
3 reports that were filed for Trinity up, up until the, the one  
4 that we're looking at now. Prior to the filing of the Odessa  
5 application, what was the most recent file you had for  
6 Translator TV?

7 A The, the previous filings that had been made to the  
8 Commission in the '80, '81 time frame. I mean it contained  
9 this kind of information.

10 Q And, and what was shown in your office files about  
11 those prev-- in those previous applications about who the  
12 officers and directors were?

13 A That Dr. Crouch was the president, that, that David  
14 Espinoza was the treasure and director, and that Mrs. Duff was  
15 also an officer and director of the company.

16 Q Had, had there been any other updating of your  
17 Translator TV files?

18 A No, sir.

19 Q Okay. Mr. May, tell me, why, why, in looking at  
20 exhibit, the exhibit that starts on page 39 of Tab R, why did  
21 you put National Minority Television on a common report with  
22 the Trinity Broadcasting stations?

23 A I explained in the cover letter that I did so  
24 because there was one common director, and I recall that, at  
25 this time, the phasing in of the new requirements that only

1 annual reports be submitted by permittees and licensees, rather  
2 than there be continuous report filing through the year as  
3 director or officer changes are made, and I had been in  
4 communication with the Commission's ownership section, and  
5 talked there to an Audrey Alexander, and explained the  
6 situation, and asked if it would be permissible to do this,  
7 and the response I got was, yes, that can be done. And so I  
8 filed this report accordingly and noted that it had the one  
9 common director, and then indicated that copies of this filing  
10 should be sent to each of those public files.

11 Q Now turning to page 58, Tab R, this is another  
12 consolidated TBN and NMTV ownership report, and this filed  
13 while the Portland application was pending at the Commission,  
14 and turning to page seven -- 72, you will see the reference to  
15 Philip Crouch as an officer, and the rest of the document will  
16 indicate the other companies concerning which disclosure about  
17 him was made.

18 A Yes, sir.

19 Q My question to you on this one is what happened to  
20 Terry Hickey?

21 A At, at this time, Mr. Hickey was leaving his  
22 position in California and was taking a job with another,  
23 another company.

24 Q May I have one second, Your Honor?

25 JUDGE CHACHKIN: Yes.

1 (Asides.)

2 BY MR. TOPEL:

3 Q Turn, if you would, Mr. May, to page 73 of Tab R,  
4 and that's an ownership report filed in November, 1989. And  
5 turning to page 77, is there an additional officer reported to  
6 the FCC at that point in time?

7 A Yes, sir. Mr. Matthew Crouch as assistant  
8 secretary.

9 Q And turning to page 79, is a disclosure made at the  
10 bottom of the page about the other media interests that  
11 Matthew Crouch has?

12 A Yes, sir.

13 Q Now turning to page 80 is another report filed in  
14 November of 1990, still prior, I think, to any challenge  
15 having been made about TBN/NMTV's relationship. And you  
16 remember Mr. Schonman asked you about an omission of Charlene  
17 Williams from a report. Would you turn to page 84?

18 A Yes, sir.

19 Q And am I correct -- well, does that, does that  
20 correct the omission of Charlene Williams? Is that, is that  
21 one of the things that happened in this ownership report?

22 A Yes, sir. Charlene Williams is shown here as an  
23 assistant secretary.

24 Q Okay. And my last item on this particular line,  
25 Mr. May, turning to page 89, this is the transmittal of NMTV's

1 | Wilmington application to the FCC, again before any petitions  
2 | or challenges were filed, and I would ask you, sir, turn to  
3 | page 95 of that application.

4 |       A     Yes, sir. I have it.

5 |       Q     And what are the last two names and officers  
6 | reported on that page of the application to the FCC?

7 |       A     Matthew Crouch as assistant secretary and Charlene  
8 | Williams as assistant secretary.

9 |       Q     Thank you. And if you would turn to page 135, would  
10 | you read, as a predicate to my next question, what is stated  
11 | in the last full paragraph just above the footnote, which  
12 | says: name of party having interest, Matthew Crouch and  
13 | Charlene interest (sic). What's stated there?

14 |       A     That Matthew Crouch and Charlene Williams are  
15 | officers, but not directors in the same companies as Paul F.  
16 | Crouch.

17 |       Q     Okay. I misspoke, Your Honor, I apologize. It's  
18 | not a predicate. I'm not going to follow that. And the  
19 | document will speak for itself, as Mr. Cohen has said. Now  
20 | turning back to Mrs. Duff's relationship with Trinity --

21 |             (Asides.)

22 |       MR. TOPEL: Your Honor, may I have one second?

23 |       JUDGE CHACHKIN: Yes.

24 |       MR. TOPEL: Off the record, please.

25 |             (Off the record. Back on the record.)

1 MR. TOPEL: Turning back to Tab R, page 79, which  
2 relates to an ownership report filed November 7, 1989, I am  
3 correct that on page 79, Mrs. Duff's relationship with  
4 Community Educational Television, Inc. is reported?

5 MR. MAY: Yes, sir.

6 MR. TOPEL: Okay. That's just a predicate. Your  
7 Honor, I'd like to have marked for identification as TBF  
8 Exhibit 122, a document that consists of filings made with the  
9 Federal Communications Commission, mostly by TBN  
10 organizations, and consists of 256 pages, and I would ask that  
11 that be marked for identification as TBF Exhibit one --

12 JUDGE CHACHKIN: 122.

13 MR. TOPEL: -- 122.

14 JUDGE CHACHKIN: The document so described is marked  
15 for identification as TBF Exhibit 122.

16 (Whereupon, the document referred to  
17 as TBF Exhibit 122 was marked for  
18 identification.)

19 BY MR. TOPEL:

20 Q Okay. Now you recall the questions that have been  
21 asked about Mrs. Duff's employment relationship with Trinity  
22 Network and the fact that NMTV's officers were the, were  
23 employees of the Trinity Broadcasting Network. Turn, if you  
24 would please, to pages 250 and 254 of Exhibit 122. And you'll  
25 see that on page 250, that's an ownership report for CET that



1 was filed with the Commission six days after the ownership  
2 report that referenced Mrs. Duff's relationship in CET. And  
3 --

4 A Yes, sir.

5 Q -- turning to page 252, could you just state for the  
6 record who signed this particular ownership report?

7 A Mrs. Jane Duff.

8 Q Thank you. And turning to page 254, you see where  
9 it says, starting at the end of the third line, a reference to  
10 Trinity Christian Center of Santa Ana, Inc., TCCSA, a multiple  
11 station owner and operator, and the statement that Philip  
12 Crouch, Jane Duff, and Matthew Crouch are employees of TCCSA.  
13 You, you see that, Mr. May, do you not?

14 A Yes, sir.

15 Q And you see on page 256, a report that Mrs. Duff is  
16 an officer and director of National Minority Television?

17 A Yes, sir.

18 Q Now my question to you is was this document --  
19 first, first of all, what is TCCSA?

20 A It is the corporate name change that the Trinity  
21 Broadcasting Network, Inc., undertook sometime in the latter  
22 part of the '80's. They now are called Trinity Christian  
23 Center of Santa Ana, Inc., doing business as the Trinity  
24 Broadcasting Network.

25 Q So, so this document essentially states that Jane

1 Duff is an employee of TBN?

2 A Yes, sir.

3 Q Is that correct? And, and it's, and it reports that  
4 she's an officer and director of National Minority Television?

5 A Yes, sir.

6 Q Can you tell me, was this document filed with the  
7 FCC before or after any petition to deny was raised with the,  
8 with the Commission in the Wilmington matter.

9 A Before, sir.

10 Q Okay. How many years before?

11 A Over two. The, I think the oppositions were filed  
12 in the Wilmington matter in May of '91. This report was filed  
13 November 13 of '89.

14 Q And I believe we saw in some of these ownership  
15 reports that Philip Crouch and Matthew Crouch were officers of  
16 National Minority Television. And would I be correct then  
17 that on page 254, where it says that they are employees of  
18 TCCSA, that that means that they are employees of TBN?

19 A Yes, sir.

20 Q Thank you. Okay. Now turn, if you would, Mr. May,  
21 to page 160 of Trinity Exhibit, TBF Exhibit 122. This is a  
22 renewal application, begins on page 153, a renewal application  
23 that was filed with the FCC on July 29, 1988, which was while  
24 the Portland application was still pending. And turning to  
25 page 160, that document reports that Jane Duff is the

1 administrative assistant to the president, and then on page  
2 158, that document states that notices should be sent to Jane  
3 Duff at 2442 Michelle Drive. Whose address is 2442 Michelle  
4 Drive?

5 A It's the address of the Trinity Broadcasting  
6 Network.

7 Q What, what did you understand page 158 was saying  
8 about Mrs. Duff's place of employment?

9 JUDGE CHACHKIN: Who filed this document?

10 MR. TOPEL: Trinity Broadcasting Network.

11 JUDGE CHACHKIN: He didn't prepare this document.

12 MR. TOPEL: Mr. -- yes, sir. Yes.

13 JUDGE CHACHKIN: Did he -- did Mr. May prepare this  
14 document?

15 MR. TOPEL: Your Honor, let me elicit that.

16 BY MR. TOPEL:

17 Q Mr. May, turn, if you would please, to page 153,  
18 which is the transmittal letter for the document we are  
19 discussing. Were you invol-- that's your name and signature  
20 on that transmittal letter, is that correct?

21 A Yes, sir.

22 Q All right. Were you involved in the preparation and  
23 filing of this renewal application?

24 A Yes, sir.

25 Q Okay. Can you describe what your, your role was?

1           A     My office was involved in the preparing of the forms  
2 that are here, including the 303 renewal application itself as  
3 well as the attachments. We did not actually type the Form  
4 395B and the Form 396; however, we instructed that it had to  
5 be included as part of the filing, and, and it came back to us  
6 as, as an assembled package, and then we reviewed it and then  
7 submitted it to the Commission.

8           Q     Were you aware that Mrs. Duff's name and address, as  
9 stated on page 158, were included in the application?

10          A     Yes, sir.

11          Q     Okay. And what did you understand that to mean  
12 regarding Mrs. Duff's place of employment?

13          A     She worked for Trinity Broadcasting Network.

14          Q     Now, Mr. May, let's go back to an earlier point in  
15 time.

16                JUDGE CHACHKIN: Are you done with the document?

17                MR. TOPEL: No.

18                BY MR. TOPEL:

19          Q     The Odessa application was filed February 3rd, 1987,  
20 and just, just for a little context, turn back to page one of  
21 Trinity Broadcasting Exhibit 122, which is a letter filed by  
22 Trinity Broadcasting Network with the FCC on October 2, 1986.  
23 Can you tell me what the reference to, "XC, Mrs. Jane Duff,"  
24 means at the bottom of that page?

25          A     I was noting that I was sending a Xerox copy of this

1 material to Mrs. Jane Duff.

2 Q Okay. And, and what -- why would you be sending her  
3 a copy?

4 A Mrs. Duff was an employee at the Trinity  
5 Broadcasting Network and this was material which she was  
6 responsible for.

7 Q Was, was the reference to "XC", does that mean Xerox  
8 copy?

9 A Yes, sir.

10 Q Does -- was, was that included on the copy of the  
11 document that was filed with the FCC?

12 A Yes, sir.

13 Q Okay. And is there anything on this page that, that  
14 tells you that?

15 A Oh, there is a date stamp on the page itself  
16 indicating it was received in the secretary's office on  
17 October 2, 1986.

18 Q Okay. So this, this would then be exactly the  
19 document that the Commission received and stamped?

20 A Yes, sir.

21 Q Thank you. Now turning to page 22 of that  
22 particular filing, which is a purchase contract, who is, who  
23 is the buyer shown on that page?

24 A The buyer is the Trinity Broadcasting Network and it  
25 shows a signature by Mr. Philip Crouch, vice president.

1 Q And can you tell me, whose, whose signature is shown  
2 there as having witnessed that signature of -- for Trinity?

3 A Jane Duff.

4 Q Now the Odessa application was filed on February 3,  
5 1987, and turning to page 23, on March 13, 1987, that's a  
6 letter to the FCC concerning a Trinity Broadcasting Network  
7 matter. And did you send a -- did -- strike that. Can you  
8 tell, Mr. May, is that a letter you filed to, with the FCC on  
9 March 13, 1987, '87?

10 A Yes, sir. If I can --

11 Q Yes. Now can you tell me who, to whom did you send  
12 a copy of that letter on behalf of Trinity Broadcasting  
13 Network?

14 A It's shown here that I sent a copy to Mrs. Jane  
15 Duff.

16 Q And turning to page 40, can you tell me who the  
17 buyer is in the contract that was filed while the Odessa  
18 application was pending?

19 A The Trinity Broadcasting Network.

20 Q And can you tell me who it was who witnessed -- who,  
21 who signed on behalf of Trinity Broadcasting Network?

22 A Paul F. Crouch, and the witness signature is  
23 Mrs. Jane Duff.

24 MR. SHOOK: Mr. Topel, if you can -- Your Honor, I  
25 think we need some clarification on this, and I believe it

1 would be better to do it now than wait. The cover letter you  
2 referenced was page 23, Mr. Topel?

3 MR. TOPEL: Oh, you may be right. Yes.

4 MR. SHOOK: Did you mean --

5 MR. TOPEL: Thank you, Mr. Shook. Thank you.

6 MR. SHOOK: You meant to reference page 24?

7 MR. TOPEL: Thank you. Yes. Let me clear that up.

8 I appreciate that.

9 BY MR. TOPEL:

10 Q Mr. May, Mr. Shook calls to my attention that after  
11 the March 13, '87, letter, there is a, another transmittal  
12 letter dated April 15, 1987, which includes the contract. And  
13 am I correct that the April 15, 1987, document, is that a  
14 document you filed with the FCC on April 15, 1987?

15 A Yes, sir. It's at the same time the Odessa  
16 application would be pending.

17 Q And it was filed on behalf of Trinity Broadcasting  
18 Network?

19 A Yes, sir.

20 Q And to whom did you send a copy on behalf of Trinity  
21 Broadcasting Network?

22 A Jane Duff.

23 Q And that's shown on the copy filed with the FCC?

24 A On the stamped copy here, yes, sir.

25 Q Okay. And then turning to page 40, the dialogue we

1 had about Mrs. Duff being the witness, that related to the  
2 April 15th letter?

3 A Yes, sir.

4 Q Thank you. Now the Odessa application was pending  
5 until June 9, so let me very quickly give you a blanket  
6 question. Take a look, if you would, at the letter filed  
7 April 16, 1987, pages 47 and 48; May 5, 1987, page 49; May 12,  
8 1987, pages 50 and 51; June 1, 1987, page 52; and June 1,  
9 1987, page 53. Now those are all documents that were filed  
10 with the FCC while the Odessa application was pending, and  
11 they were all filed on behalf of Trinity Broadcasting Network.  
12 And would your questions regarding the identification of Mrs.  
13 Duff as the recipient of a copy of those letters be the same  
14 as your answers to the questions I have previously asked you  
15 on that subject?

16 A Yes, sir.

17 Q Okay. Thank you. Now turning to page 53, just for  
18 the record, Mr. May, would you indicate to me what the  
19 reference in the extra copy, "for public file," means?

20 A I was instructing that Mrs. Duff would place this in  
21 the KTBN TV public file. That's the purpose for me sending  
22 her this copy.

23 Q Now the Portland --

24 MR. COHEN: Your Honor, could I go off the record?

25 Could I ask for -- Can we go off the record for a second? I'm



1 having trouble in --

2 JUDGE CHACHKIN: Yes. We'll go off the record.

3 (Off the record. Back on the record.)

4 BY MR. TOPEL:

5 Q Thank you. Now the Portland application was filed  
6 on December 18, 1987, and just looking through there, during  
7 the period between the Odessa grant and the filing of the  
8 Portland application, Mr. May, correct me if I'm wrong, but  
9 just looking through, the same sequence of events that we just  
10 described about Trinity Broadcasting Network filings with Jane  
11 Duff shown as the recipient of the, of the copy occurred on  
12 June 16, 1987; June 19, 1987; on June 25, 1987, with, on page  
13 73, Mrs. Duff shown as the witness for the buyer.

14 A Yes, sir.

15 Q June 26, 1987; July 2, 1987, two times; July 13,  
16 1987; July 17, 1987; August 28, 1987; September 10, 1987;  
17 September 17, 1987; September 21, 1987; September 28, 1987;  
18 September 30, 1987. Okay. Now we're up to the time the  
19 Odessa applica-- the Portland application is filed on  
20 December 18th. And --

21 JUDGE CHACHKIN: When was it granted?

22 MR. TOPEL: It was granted Oct-- this is  
23 December 18th, 1987. It was granted October 27, 1988.

24 JUDGE CHACHKIN: Okay.

25 MR. TOPEL: And, Mr. May, again the same sequence of